REMARKS

Claims 1-9, 12, 13, and 15-27, as amended, remain herein. Claims 17-23 are currently withdrawn. Claims 10, 11 and 14 have been cancelled without prejudice. Claims 1, 4 and 9 have been amended. New claims 24-27 have been added. Support for the amended claims can be found throughout the specification (see, e.g., page 7, lines 18-20; page 8, lines 7-12; page 22, line 29 to page 23, line 20; page 29, line 29 to page 30 line 5; page 31, lines 4-7; page 41, lines 4-23; page 44, lines 12-14; and page 45, lines 12-14 of the specification, and original claims 10-11).

1. Claim 4 has been amended to moot the rejection under 35 U.S.C. § 112, second paragraph.

2. Claims 1, 5-9, 13, 15 and 16 were rejected under 35 U.S.C. § 102(b) over Kioka et al. U.S. Patent 5,055,528.

Applicants' claims 1 and 9 recite a solid catalyst component obtained by reacting certain compounds including an alkoxy-containing magnesium compound obtained by reacting metal magnesium, an alcohol and a halogen and/or a halogen-containing compound containing at least 0.0001 gram atom of halogen atoms per mol of the metal magnesium.

Kioka discloses the use of alkoxy magnesium halides (see Kioka at col. 6, lines 23-26); however, Kioka does not disclose an alkoxy-containing magnesium compound that is obtained by reacting metal magnesium, an alcohol and a halogen and/or a halogen-containing compound containing at least 0.0001 gram atom of halogen atoms per mol of the metal magnesium. The

use of the claimed alkoxy-containing magnesium compound achieves a high catalyst activity and a polymer with excellent powder morphology as evidenced in the attached Declaration of Shojiro Tanase.

Thus, Kioka does not disclose all limitations of applicants' claims and, therefore, it is not a proper basis for a rejection under § 102(b). Applicants respectfully request reconsideration and withdrawal of this rejection.

3. Claims 1-3, 5-13, 15 and 16 were rejected under 35 U.S.C. § 103(a) over Kioka in view of Yukimasa et al. U.S. Patent 6,423,782.

Applicants' claims 1 and 9 recite a solid catalyst component obtained by reacting certain compounds including an alkoxy-containing magnesium compound obtained by reacting metal magnesium, an alcohol and a halogen and/or a halogen-containing compound containing at least 0.0001 gram atom of halogen atoms per mol of the metal magnesium.

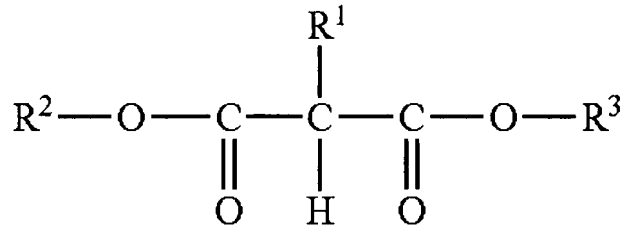
As discussed above, Kioka does not disclose an alkoxy-containing magnesium compound that is obtained by reacting metal magnesium, an alcohol and a halogen and/or a halogen-containing compound containing at least 0.0001 gram atom of halogen atoms per mol of the metal magnesium. Yukimasa does not teach what is missing from Kioka. Specifically, Yukimasa does not teach or suggest the amount of halogen used when preparing the alkoxy-containing magnesium compound. As discussed above, the use of the claimed alkoxy-containing magnesium compound achieves a high catalyst activity and a polymer with excellent powder morphology as evidenced in the attached Declaration of Shojiro Tanase.

Thus, none of Kioka, Yukimasa, or anything else in this record discloses or suggests

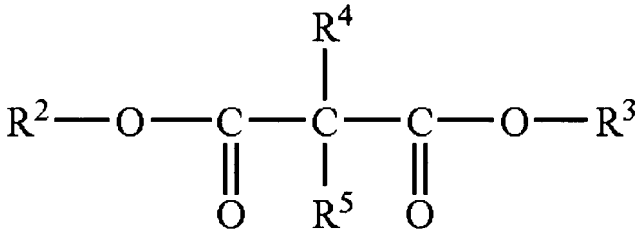
applicants' claims. In addition, there is no disclosure or suggestion in any of Kioka, Yukimasa, or anything else in this record that would have suggested the desirability of combining any portions thereof effectively to anticipate or render obvious applicants' claimed invention. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

4. Claims 1-3, 5-13, 15 and 16 were rejected under 35 U.S.C. § 103(a) over Kioka in view of Yukimasa and Yuya et al. JP 06-122716.

Applicants' claims 1 and 9 recite a solid catalyst component obtained by reacting certain compounds including an electron-donating compound represented by the following general formula (I) or (II):



(I)



(II)

wherein R^1 represents a linear or branched alkyl group having 1 or more carbon atoms; and R^2 and R^3 independently represent a linear or branched C_{1-20} alkyl group; R^4 represents a linear, branched or cyclic C_{1-20} alkyl group; and R^5 represents H or C_{1-2} alkyl group.

Yuya does not disclose the claimed electron-donating compound. Yuya discloses and

requires the use of an alicyclic diester in the preparation of the solid catalyst component. Thus, Yuya does not disclose all elements of applicants' claims.

Thus, none of Kioka, Yukimasa, Yuya, or anything else in this record discloses or suggests applicants' claims. In addition, there is no disclosure or suggestion in any of Kioka, Yukimasa, Yuya, or anything else in this record that would have suggested the desirability of combining any portions thereof effectively to anticipate or render obvious applicants' claimed invention. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

For the foregoing reasons, all claims 1-9, 12, 13, 15, 16 and 24-27 are now fully in condition for allowance, which is respectfully requested. The PTO is hereby authorized to charge or credit any necessary fees to Deposit Account No. 19-4293. Should the Examiner deem that any further amendments would be desirable in placing this application in even better condition for issue, he is invited to telephone applicants' undersigned representative.

Respectfully submitted,

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